

Message Text

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PAGE 01 NEW DE 15494 181610Z

51

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INFO AMEMBASSY DACCA

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AMEMBASSY LONDON

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AMCONSUL CALCUTTA

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C O N F I D E N T I A L NEW DELHI 15494

E. O. 11652: GDS

TAGS: PFOR, PINT, IN, PK

SUBJECT: KASHMIR -- NEGOTIATIONS MAKE SOME PROGRESS

REF: NEW DELHI 12589

SUMMARY: AFTER A DEADLOCK OF ABOUT SIX WEEKS, EMMISSARIES OF THE INDIAN GOVERNMENT AND OF SHEIKH ABDULLAH NOW APPEAR TO HAVE MADE SOME PROGRESS IN RSUMED NEGOTIATIONS ABOUT KASHMIR. THEY HAVE TRANSMITTED THEIR "CONCLUSIONS" TO MRS. GANDHI AND TO SHEIKH ABDULLAH, WHO ARE SCHEDULED TO MEET IN EARLY DECEMBER. WE BELIEVE THAT AT LEAST A FEW DIFFICULT QUESTIONS REMAIN TO BE SETTLED, SOME OBSERVERS ARE RAISING DOUBTS ABOUT SHEIKH ABDULLAH'S CONSISTENCY ON KEY ISSUES. END SUMMARY.

1. MIRZA AFZAL BEG AND G. PARTHASARATHY, REPRESENTATIVES RESPECTIVELY OF THE KASHMIRI LEADER SHEIKH ABDULLAH
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PAGE 02 NEW DE 15494 181610Z

AND OF MRS. GANDHI, RESUMED THEIR TALKS ABOUT THE

FUTURE CONSTITUTIONAL STATUS OF KASHMIR IN SRINAGAR
NOVEMBER 1 AFTER A BREAK OF ABOUT SIX WEEKS. THEY MET
NEXT IN DELHI, AND ON NOVEMBER 14 BEG ANNOUNCED THAT
"BOTH OF US HAVE SENT OUR CONCLUSIONS TO OUR PRINCIPALS
FOR THEIR CONSIDERATION AND FINAL ACTION." ACCORDING
TO PRESS REPORTS, SHEIKH ABDULLAH WILL ARRIVE IN DELHI
DECEMBER 1 FOR MEETINGS WITH MRS. GANDHI.

2. NEITHER SIDE IS TALKING MUCH ABOUT THE NEGOTIATIONS.
WE DO NOT KNOW WHY THEY BROKE DOWN IN SEPTEMBER, WHAT
PROMPTED THEIR RESUMPTION OR WHAT "CONCLUSIONS" BEG
AND PARTHASATHY REACHED. THERE DOES SEEM TO HAVE
BEEN AGREEMENT ON SOME OF THE OUTSTANDING "CONSTITUTIONAL"
QUESTIONS, WHICH BEG AND PARTHASATHY WERE DISCUSSING.
THESE PRESUMABLY INCLUDE WHICH INDIAN LAWS EXTENDED TO
KASHMIR SINCE 1953 WILL REMAIN IN FORCE, UNDER WHAT
CONDITIONS A STATE OF EMERGENCY MAY BE DECLARED IN THE
STATE, WHETHER THE FEDERAL SUPREME COURT AND ELECTION
COMMISSION WILL HAVE JURISDICTION IN JAMMU AND KASHMIRE,
AND WHAT TITLE THE STATE GOVERNOR WILL HAVE. SHAMIM
AHMED SHAMIM, AND INDEPENDENT MEMBER OF PARLIAMENT WHO
IS CLOSE TO SHEIKH ABDULLAH, SUGGESTED IN A
CONVERSATION WITH AN EMBASSY OFFICER ON NOVEMBER 17
THAT THE TWO NEGOTIATORS HAD LEFT UNDECIDED AT LEAST
SOME "CONSTITUTIONAL" QUESTIONS, SUCH AS THE TITLE SHEIKH
ABDULLAH WILL HAVE IF HE ASSUMES CONTROL IN THE STATE.

3. MRS. GANDHI AND SHEIKH ABDULLAH WILL DISCUSS THESE
REMAINING CONSTITUTIONAL QUESTIONS AS WELL AS
OUTSTANDING "POLITICAL" ISSUES, INCLUDING HOW THE
SHEIKH AND HIS ORGANIZATION WILL BE ASSOCIATED WITH
THE GOVERNMENT IN JAMMU AND KASHMIRE, WHEN ELECTIONS IN
THE STATE WILL BE HELD, AND WHAT WILL HAPPEN TO THE
CONGRESS PARTY THERE. IT IS CLEAR FROM THE PRESS AND
FROM OUR TALK WITH SHAMIM THAT OVER THE MONTHS THESE
ISSUES HAVE ALSO COME INTO MUCH SHARPER FOCUS.
ACCORDING TO SHAMIM, THERE IS ESSENTIAL RECOGNITION
ON BOTH SIDES THAT SHEIKH ABDULLAH WILL HEAD AN
INTERIM GOVERNMENT TO INCLUDE BOTH HIS SUPPORTERS AND
THE CONGRESS PARTY, WITH ELECTIONS IN THE STATE
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PAGE 03 NEW DE 15494 181610Z

PROBABLY NOT HELD UNTIL EARLY 1976.

4. THERE IS STILL THE PROBLEM OF THE SHEIKH'S DEMAND
IN PRINCIPLE THAT A FREELY ELECTED STATE LEGISLATURE
SHOULD PASS ON ALL LAWS EXTENDED TO THE STATE SINCE
HIS DESPOSITION IN 1953. HERE, FORM IS MORE IMPORTANT
THAN SUBSTANCE, ACCORDING TO SHAMIM. THE SHEIKH CAN
COMPROMISE ON INDIVIDUAL LAWS, BUT HE NEED SOMETHING

SYMBOLIC TO PRESENT TO HIS PEOPLE, BOTH FOR THE SAKE OF HIS PRIDE AND TO DISARM THOSE KASHMIRIS WHO CRITICIZE HIM FOR GIVING IN TO THE GOI. THE GOI, FOR ITS PART, CAN ALSO COMPROMISE ON INDIVIDUAL LAWS, BUT IT FINDS IT VERY DIFFICULT TO ACCEPT THE PRINCIPLE THAT IT HAS LEGISLATED ILLEGALLY FOR OVER 20 YEARS.

5. SHEIKH ABDULLAH HAS ALWAYS BEEN ENIGMATIC. PINNING HIM DOWN HAS APPARENTLY BECOME NO EASIER OVER THE YEARS. EVEN SHAMIM COMPLAINS ABOUT THIS AND WONDERES WHETHER THE SHEIKH REALLY WANTS TO RETURN TO POWER. SHAMIM CANNOT UNDERSTAND, FOR EXAMPLE, WHY THE SHEIKH HAS SUDDENLY IN THE LAST FEW DAYS IN HIS PUBLIC STATEMENTS IN KASHMIR BEGUN TO TALK ABOUT GETTING PAKISTAN'S APPROVAL FOR ANY SETTLEMENT WITH MRS. GANDHI. ALSO, WE NOTE THAT THE PRO-COMMUNIST PATRIOT NEWSPAPER, WHICH PREVIOUSLY SUPPORTED NEGOTIATIONS WITH THE SHEIKH, HAS SUDDENLY TURNED ON HIM FOR ACTING "AS THOUGH HE IS THE GUARDIAN SPIRIT OF AN INDEPENDENT STATE OF KASHMIRE."

6. SHEIKH ABDULLAH'S CAMP REMAINS OPTIMISTIC THAT AN AGREEMENT WILL BE REACHED DURING THE WINTER WITH IMPLEMENTATION WHEN THE STATE GOVERNMENT RETURNS TO SRINAGAR NEXT SPRING. GOI SOURCES AREN'T MAKING ANY PREDICTIONS. MOYNIHAN

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